

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:16-CV-414-BO

GENIA LOCKLEAR,
Plaintiff,
v.
OLD MAIN PHARMACY, INC.,
Defendant.

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ORDER

This case comes before the court following a telephone status conference with counsel today. *See* Minute Entry for Tel. Conf. (D.E. 25). At the conference, the parties jointly requested continuation of the stay entered in this case (*see* D.E. 19, 24) based on a criminal case in this court against defendant's former owner and president, Justin Daniel, which resulted in his conviction and impending incarceration. *See United States v. Daniel*, 5:17-CR-148-H (E.D.N.C.). The criminal case, which concerned matters ostensibly related to those at issue in the instant case, purportedly warrants continuation of the stay, in part, because much of the documentation relevant to plaintiff's claims remains in the custody of the government. In addition, the financial obligations imposed by the judgment in the criminal case may have deprived plaintiff of any source from which to collect on any judgment she might obtain in the instant case. Plaintiff requires additional time in which to discuss with the government the extent to which it may be willing to release its claim on funds to satisfy a potential judgment for plaintiff in the instant case.

The court finds that good cause has been shown for continuation of the stay in the instant case. Proceedings in the instant case shall therefore continue to be STAYED through 1 January

2018. The stay includes all deadlines set forth in the Case Management Order entered on 8 May 2017 (D.E. 12). Notwithstanding the stay, counsel shall pursue the issue of availability of documents and potential funding of a judgment as referenced herein, along with potential settlement. The parties shall file a proposed amended case management order by 16 January 2018 if at that time one or more claims remain pending.

SO ORDERED, this 15th day of November 2017.



James E. Gates
United States Magistrate Judge